

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member Lieber

February 22, 2005

An act to amend Section 56515 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as introduced, Lieber. Special education: confidentiality.

Existing law provides that, in accordance with specified federal law, personally identifiable information about individuals with exceptional needs is confidential.

This bill would prohibit the education records of individuals with exceptional from being released to participating agencies without the consent of his or her parent or guardian, unless authorized to do so under applicable federal law, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56515 of the Education Code is
2 amended to read:
3 56515. (a) In addition to the provisions of Chapter 6.5
4 (commencing with Section 49060) of Part 27, the confidentiality
5 of personally identifiable information about individuals with
6 exceptional needs shall be governed and protected in accordance
7 with the provisions of Sections 300.560 to 300.577, inclusive, of
8 Title 34 of the Code of Federal Regulations, including, notice to
9 parents, access rights, records on more than one child, lists and

1 types of locations of information, parental consent regarding the
2 disclosure of personally identifiable information, fees for copies
3 of records, amendment of records at parent's request, opportunity
4 for a hearing, safeguards, destruction of information, children's
5 privacy rights, enforcement, and disciplinary information about
6 an individual with exceptional needs.

7 (b) Pursuant to paragraph (3) of subsection (b) of Section
8 300.500 of Title 34 of the Code of Federal Regulations,
9 "personally identifiable," as used in this part, includes all of the
10 following information:

11 (1) The name of the child, the child's parent, or other family
12 member.

13 (2) The address of the child.

14 (3) A personal identifier, including, but not limited to, the
15 child's social security number, a pupil number, a list of personal
16 characteristics, or other information that would make it possible
17 to identify the child with reasonable certainty.

18 (c) *In accordance with subdivision (b) of Section 300.571 of*
19 *Title 34 of the Code of Federal Regulations, an agency or*
20 *institution subject to Section 99.1 of Title 34 of the Code of*
21 *Federal Regulations shall not release information from the*
22 *education records of an individual with exceptional needs to*
23 *participating agencies without the consent of the parent or*
24 *guardian, unless authorized to do so under Section 99.1 of Title*
25 *34 of the Code of Federal Regulations.*